Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/MC.II/1
10 September 1990

Original: ENGLISH

Geneva, 20 August-14 September 1990

REPORT OF MAIN COMMITTEE II

Establishment and Terms of Reference

1. Under rule 34 of its Rules of Procedure, the Conference established Main Committee II as one of its three Main Committees and decided to allocate to it the following items for its consideration (NPT/CONF.IV/1):

Item 13: Review of the operation of the Treaty as provided for in its Article VIII (3), as follows:

C. Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:

(1) Article III and preambular paragraphs 4 and 5, especially in their relationship to Article IV and preambular paragraphs 6 and 7.

(2) Articles I and II and preambular paragraphs 1-3 in their relationship to Articles III and IV.

(3) Article VII.

E. Other provisions of the Treaty.

Item 14: Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament and in strengthening international peace and security:

A. Acceptance of the Treaty by States.

B. Measures aimed at promoting a wider acceptance of the Treaty.

Officers of the Committee

2. The Conference unanimously elected Ambassador Tadeusz Strulak (Poland) as the Committee's Chairman and Ambassador Hector Villarroel (Philippines) and Mr. Arend Meerburg (Netherlands), as Vice-Chairmen of the Committee.

GE.90-70021/2351B

3. Documents before the Committee

A. Background documentation

The Committee had before it the following background documentation:

NPT/CONF.IV/12 Activities of the IAEA under Article III of the NPT;

NPT/CONF.IV/13 Activities of the IAEA during the period 1985-90 relevant to Article IV of the NPT;

NPT/CONF.IV/15 Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, prepared for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

NPT/CONF.IV/18 Letter dated 17 July 1990 from the Permanent Representatives of Denmark, Finland, Iceland, Norway and Sweden addressed to the Provisional Secretary-General of the Fourth Review Conference;

NPT/CONF.IV/19 Information on the implementation by the Union of Soviet Socialist Republics of the Treaty on the Non-Proliferation of Nuclear Weapons;

NPT/CONF.IV/20 United States information pertaining to the Treaty on the Non-Proliferation of Nuclear Weapons, 8 August 1990;

NPT/CONF.IV/21 United Kingdom's implementation of the Treaty on the Non-Proliferation of Nuclear Weapons 1985-90.

B. Documents containing proposed elements relevant to a final document of the Conference

The following documents were introduced in the Committee:

Documents submitted to the Conference and introduced in Committee II:

NPT/CONF.IV/32/Rev.1 Proposal for inclusion in the final declaration relating to Article III, submitted by Australia, Austria, Belgium, Canada, Czech and Slovak Federal Republic, Denmark, Finland, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Documents submitted to and introduced in Main Committee II:

NPT/CONF.IV/MC.II/WP.1	Working paper containing suggested elements for final document language on Article III, submitted by Australia, Austria, Canada, Denmark, Finland, Ireland, Netherlands, New Zealand, Norway, Sweden.
NPT/CONF.IV/MC.II/WP.2	Working paper containing proposed final document language relating to safeguards in nuclear-weapon States, submitted by Australia, Austria, Canada, Czech and Slovak Federal Republic, Denmark, Finland, Hungary, Ireland, Netherlands, New Zealand, Norway, Sweden.
NPT/CONF.IV/MC.II/WP.3	Working paper containing a proposed formulation of final declaration language relevant to Article VII, submitted by Democratic People's Republic of Korea.
NPT/CONF.IV/MC.II/WP.4	Working paper containing suggested final document language on Article VII: South Pacific nuclear free zone Treaty, submitted by Australia and New Zealand.
NPT/CONF.IV/MC.II/WP.5	Working paper containing proposed final document language on Article VII, submitted by Nigeria.
NPT/CONF.IV/MC.II/WP.6 and Add.1	Working paper containing proposed final document language relating to the conditions of nuclear supply (full scope safeguards) and the conclusion of safeguards agreements, submitted by Australia, Austria, Bangladesh, Brunei Darussalam, Canada, Czech and Slovak Federal Republic, Cyprus, Denmark, Egypt, Finland, German Democratic Republic, Hungary, Indonesia, Ireland, Japan, Malaysia, New Zealand, Nigeria, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Singapore, Sweden, Yugoslavia.
NPT/CONF.IV/MC.II/WP.7	Working paper containing a proposal for inclusion in the final declaration on regional nuclear disarmament, submitted by Egypt.
NPT/CONF.IV/MC.II/WP.8	Working paper containing proposed final document language related to Article III, submitted by Hungary, Italy, Poland and Yugoslavia.

NPT/CONF.IV/MC.II/WP.9	Working paper containing proposed final document language relating to Article X, submitted by Mexico.
NPT/CONF.IV/MC.II/WP.10 and Rev.1	Working paper containing proposed final document language relevant to Article X, submitted by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
NPT/CONF.IV/MC.II/WP.11	Working paper containing suggested elements for final document language on Article III, submitted by the Islamic Republic of Iran.

C. In addition, a number of informal conference room papers were introduced in Main Committee II by:

- Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand containing a proposal relating to Article VII of the NPT;

- Canada, Hungary, the Netherlands and the United Kingdom of Great Britain and Northern Ireland proposing final document language on special inspections and information policy;

- Mexico, proposing language for final declaration on Article VII of the NPT;

- Indonesia, Malaysia, Mexico, Peru, Sri Lanka and Venezuela, proposing language for final declaration on Article III of the NPT;

- Republic of Korea, proposing final document language on Article III of the NPT;

- Republic of Korea, containing suggested elements for final document relating to Article VII of the NPT;

- Bulgaria, containing a proposal on Article VII for inclusion in final declaration;

- Mexico, containing a working paper on the link between NPT provisions on nuclear disarmament measures and those regarding review conferences and the limited duration of the Treaty.

The statement by the Chairman of the Main Committee II, Ambassador Tadeusz Strulak, at the Committee's first meeting on 24 August 1990, was also distributed as an informal conference room paper.

Work of the Committee

4. The Committee held eight meetings from 24 August to 5 September 1990; its discussions are summarized in documents NPT/CONF.IV/MC.II/SR.1-SR.8. The

Committee also carried out informal consultations during that period. The Chairman of the Committee was assisted by the Vice-Chairmen in co-ordinating the informal consultations convened to examine various proposals and documents submitted to the Committee. After an item-by-item consideration of the agenda items allocated to it, the Committee, both at its formal and informal meetings, proceeded to a detailed discussion of the proposals and documents before it; the results of the discussions are outlined in paragraphs 5-7 below. Furthermore, the various views expressed and proposals made are reflected in the summary records of the Committee and in the working papers submitted to it. Those summary records and working papers form an integral part of the report of the Committee to the Conference.

Conclusions and Recommendations

5. The Committee was informed of proposed language on Articles I and II in Main Committee I and on Article IX (item 14) in Main Committee III and decided not to recommend any additional formulations on those Articles.

6. The Committee agreed on the following formulations for the Final Document of the Conference:

A. Review of Article III

1. The Conference reaffirms the generally positive assessment of the Third Review Conference of the implementation of Article III, and notes that the recommendations of that Conference for the future implementation of that Article provided a helpful basis for States Parties to the Treaty and the IAEA to strengthen further the barriers to proliferation and provide assurance of compliance with non-proliferation undertakings.

2. The Conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons and other nuclear explosive devices to additional States. The Non-Proliferation Treaty is vital to preventing the spread of nuclear weapons and in providing significant security benefits. The Parties remain convinced that universal adherence to the NPT and full compliance with its provisions is the best way to achieve this goal and they urge all States not party to the Treaty to accede to it and bring into force the required safeguards agreements. The non-proliferation and safeguards commitments in the Treaty are essential also for peaceful nuclear commerce and co-operation.

3. The Conference reaffirms the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. IAEA safeguards thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. Such safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

4. The Conference notes with satisfaction that since the last Review Conference, the IAEA has again, in carrying out its safeguards activities for the States Parties, not detected any diversion of a significant amount of safeguarded material to the production of nuclear weapons or other nuclear explosive devices or to purposes unknown. However, unsafeguarded nuclear activities in non-nuclear-weapon States still pose

serious proliferation dangers. 1/ The Conference reiterates the calls for the continued pursuit of the principle of universal application of IAEA safeguards to all peaceful nuclear activities in all States.

5. The Conference urges all States Parties to ensure that their exports to non-nuclear-weapon States not party to the Treaty do not assist any nuclear weapon programme.

6. The Conference notes that IAEA safeguards activities have not hampered the peaceful nuclear development of the Parties to the Treaty but have furthered international co-operation in the peaceful utilization of nuclear energy.

7. The Conference commends the IAEA on its implementation of safeguards pursuant to this Treaty. It welcomes the continued improvements in safeguards effectiveness and efficiency and urges that this process be maintained inter alia by utilizing new cost effective technologies and methodologies. It invites the IAEA to consider studying new safeguards approaches, including, for example, randomized inspections. It emphasizes the importance of maintaining a staff of the highest professional standard, with due regard to the call for an increase in the number of safeguards inspectors from developing countries, in order to have the widest geographical distribution possible.

8. The Conference calls upon States Parties to continue their political, technical and financial support of the IAEA safeguards system in order to ensure that the IAEA is able to meet its international legal obligations pursuant to safeguards agreements under the Treaty, and its increasing safeguards responsibilities. It requests the IAEA to continue to identify all resources needed for effective and efficient safeguards. It urges all States to ensure that the IAEA is provided with these resources through the important mechanism of continued assured regular budget financing to permit the IAEA to meet its commitments in this area, and welcomes efforts by members of the IAEA to find a lasting and equitable solution to the question of a safeguards financing formula.

9. The Conference welcomes the significant contributions made by the States Parties in facilitating and assisting the application of IAEA safeguards and in supporting research, development and other supports to further the application of effective and efficient safeguards. It urges that such co-operation and support be continued and that other States provide similar types of support.

10. The Conference notes the request of the Director General of the IAEA for States to facilitate the designation of inspectors and their entry into the States, in particular with regard to visa requirements, and appeals to States to respond as fully as possible so as to maximize the efficient use of Agency inspection resources.

1/ The delegations of Egypt, Indonesia, Iran, Libya, Malaysia, Mexico, Nigeria, Sri Lanka, Syria, Uganda, Venezuela and Yugoslavia expressed a reservation on the inclusion of the phrase "in non-nuclear-weapon States", and proposed its deletion.

11. The Conference calls on States to complete the negotiation of Subsidiary Arrangements with the IAEA.

12. The Conference calls upon all States to take IAEA safeguards requirements into account while planning, designing and constructing new nuclear facilities and while modifying existing ones.

13. The Conference recognizes the importance of State systems of accounting and control and of the Euratom system, and of co-operation between these systems and the IAEA, to the efficient and effective application of safeguards, and urges continued improvements in this area, including the provision of training in such systems, with the valuable assistance of IAEA and national programmes. It also notes in this regard the complementary and important role of national export and import control mechanisms.

14. The Conference welcomes the entry into force of the Convention on the Physical Protection of Nuclear Material which resulted from a recommendation of the first NPT Review Conference. The Conference notes that membership of the Convention has increased to 28. The Conference urges all States that have not done so to adhere to the Convention at the earliest possible date. 1/ In the general context of physical protection, particular attention must be paid to material of direct use, including separated plutonium.

15. Noting the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection, the Conference calls on the nuclear-weapon States to maintain the highest standards of security and physical protection of nuclear weapon systems and materials.

16. The Conference recognizes the non-proliferation benefits of the conversion of research reactors from high enriched uranium to low enriched uranium fuel and, when this is not feasible, of significant lowering of the level of enrichment. It welcomes the introduction of such conversions, where possible, and the continuing international co-operation in this field.

17. The Conference recognizes the particular requirements for safeguards of direct use nuclear material and notes IAEA projections that the use of separated plutonium for peaceful purposes is expected to increase in the 1990s. The Conference expressed satisfaction at the considerable work undertaken to ensure the continuing effectiveness of IAEA safeguards in relation to reprocessing and the storage and use of separated plutonium.

18. The Conference recognizes that there are items of equipment and materials, including tritium, not identified in NPT Article III.2 which

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1/ The delegation of the Islamic Republic of Iran expressed a reservation to this sentence. The reservation is provided as Annex 1 to this Report.

are relevant to the proliferation of nuclear weapons and therefore to the NPT as a whole. Without prejudice to the existing principles guiding international co-operation in the peaceful uses of nuclear energy, especially Article IV of the NPT, the Conference in this regard calls for early consultations among States to ensure that their supply and export controls are appropriately co-ordinated.

19. The Conference recalls the recommendation at the Third Review Conference on the implementation of Article XII.A.5 of the Statute of the IAEA, and regrets that no progress has been made on this question. Bearing in mind projected developments in the peaceful nuclear fuel cycle and considering that as a result of disarmament measures enriched uranium or plutonium could be transferred from the military to the peaceful sector, the Conference recommends that the IAEA consider establishing arrangements as foreseen in its Statute for deposit with the Agency of any excess of plutonium and highly enriched uranium over what is needed, in order to prevent stockpiling of materials that could be diverted to direct use for nuclear weapons or other nuclear explosive devices. In this context, regional fuel cycle centres should also be considered further.

20. The Conference urges all non-nuclear-weapon States which have not already done so to make an international legally-binding commitment not to acquire nuclear weapons or other nuclear explosive devices and to accept IAEA safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference further urges nuclear supplier States to require henceforth as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear-weapon States under new supply arrangements, such a commitment and acceptance of such safeguards. 1/ The Conference expresses its view that accession to the Treaty is the best way to achieve these objectives. The Conference stresses that the application of such safeguards in additional States should not diminish resources for the IAEA's promotional programmes in the application of nuclear energy for peaceful purposes.

21. The Conference notes with satisfaction that eight States have concluded safeguards agreements in compliance with Article III.4 of the Treaty since 1985. It expresses concern, however, that 51 States Parties to the Treaty have yet to conclude their agreements and urges that they do so and bring these agreements into force as soon as possible. It is its view that the Treaty requirement for the timely conclusion and entry into force of an NPT-type safeguards agreement is an unqualified obligation of States Parties and is particularly important in States whose nuclear activities make such safeguards applicable. 2/

1/ The delegations of Belgium, Italy, the Soviet Union, Switzerland and the United Kingdom expressed a reservation on the inclusion of the word "require" and proposed as an alternative formulation the following: "join together in requiring".

2/ The delegation of the Democratic People's Republic of Korea proposed the inclusion of an additional paragraph following this paragraph. The proposed text is provided as Annex 2 to this Report.

22. The Conference also recommends that the Director General of the IAEA as a matter of priority further facilitate the conclusion and entry into force of such agreements and that Parties to the Treaty, in particular the Depositary Parties, should actively support this activity. The Conference notes that in the case of States without significant nuclear activities, conclusion of safeguards agreements involves simmplified procedures.

23. The Conference recognizes the value of the voluntary offer safeguards agreements of the five nuclear-weapon States in strengthening the non-proliferation régime, in increasing the authority of the IAEA and the effectiveness of its safeguards system, and in contributing to the goal of the universal application of IAEA safeguards to all peaceful nuclear activities in all States. In this regard the Conference welcomes the entry into force since the last Review Conference of such a voluntary offer agreement between China and the IAEA. The Conference notes that these agreements make peaceful nuclear materials and facilities eligible for IAEA safeguards, but that the military nuclear facilities and material in these States are outside the scope of these agreements.

24. Recognizing that some nuclear-weapon States have already made all their peaceful nuclear facilities eligible for safeguards under their voluntary offers, the Conference calls on all other nuclear-weapon States to do so. Within this framework the Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States in the most economic and practical way possible, taking into account the availability of IAEA resources. As a first step of this wider application, the Conference invites the Agency to consider the implementation of a scheme under the nuclear-weapon States' agreements consisting of full reporting in combination, where appropriate, with verification based on randomization. The results should be used to improve further the efficiency and effectiveness of safeguards in all States. The Conference considers that the financing of the application of safeguards in nuclear-weapon States should be taken into account in the IAEA's examination of the financing of safeguards.

25. The Conference also calls for substantial progress towards the separation of the peaceful and military nuclear facilities in the nuclear-weapon States. It affirms the great value of commitments by the nuclear-weapon States that nuclear supplies for peaceful purposes will not be used for nuclear weapons or other nuclear explosive devices. The Conference expresses the opinion that these nuclear supplies for peaceful purposes should be subject to the safeguards agreements concluded between the nuclear-weapon States and the IAEA.

26. The Conference urges the nuclear-weapon States to offer for verification any nuclear materials and nuclear installations that may be transferred from military use to peaceful nuclear activities by submitting them to IAEA safeguards under their voluntary offer safeguards agreements with the IAEA.

27. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to co-ordinate their implementation of Article III.2. To this end these

States have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not Party to the Treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear co-operation with non-nuclear-weapon States not Party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States Parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation régime, the Conference also notes that items included in the "trigger list" are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by States Parties for the development of nuclear energy for peaceful uses.

28. The Conference recognizes that, in the event of questions arising about the commitment to the non-proliferation objectives of the Treaty of any State Party, and in particular about the safeguards coverage of its source or special fissionable materials, there are several courses of action open to the Agency. In such circumstances appropriate steps need to be taken by the Agency and by that State Party, in accordance with the Treaty and the safeguards agreement between them, to help restore confidence. The Conference therefore urges the Agency not to hesitate to take full advantage of its rights, including the use of special inspections as outlined in paragraphs 73 and 77 of INFCIRC/153. The Conference notes that as yet no experience exists of such special inspections, and would welcome a study by the Agency of the possible scope, application and procedures of such inspections, including their implications for the information requirements and policy of the Agency.

29. The Conference, recognizing the importance of measures serving to maintain and strengthen confidence in the safeguards system of the IAEA, recommends to the IAEA to improve upon the transparency of presentation of the results of its safeguards activities so that information on these results can be made available to the public in order to prevent possible misinformation and misunderstanding.

B. Review of Article VII

1. The Conference recognizes the growing interest in utilizing the provisions of Article VII of the Non-Proliferation Treaty, which affirms the right of any group of States to conclude regional treaties in order to assure the absence of nuclear weapons in their respective territories.

2. The Conference reaffirms that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure and therefore the process of establishing such zones in different parts of the world should be encouraged with the ultimate

objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account.

3. The Conference emphasizes the importance of concluding nuclear-weapon-free zone arrangements in harmony with internationally recognized principles, as stated in the Final Document of the First Special Session of the United Nations devoted to disarmament.

4. The Conference holds the view that, under appropriate conditions, progress towards the establishment of nuclear-weapon-free zones will create conditions more conducive to the establishment of zones of peace in certain regions of the world.

5. The Conference expresses its belief that concrete measures of nuclear disarmament constitute inter alia a significant contribution to creating favourable conditions for the establishment of nuclear-weapon-free zones.

6. The Conference takes note of the existing proposals and the ongoing regional efforts to achieve nuclear-weapon-free zones in different areas of the world.

7. The Conference recognizes that for the maximum effectiveness of any treaty arrangements for establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary. In this connection and taking into account the latest international political developments which are more conducive than in the past for the establishment of nuclear-weapon-free zones in certain regions of the world, nuclear-weapon States are invited to assist the efforts of States to create nuclear-weapon-free zones, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.

8. The Conference also notes the continued existence of the Antarctic Treaty.

9. The Conference expresses its satisfaction at the continued successful operation of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) which is the cornerstone of a non-discriminatory régime prohibiting the testing, use, manufacture, production, or acquisition or the receipt, storage, installation or deployment of nuclear weapons in Latin America and the Caribbean. It reiterates its call upon the Latin American States that are eligible to become parties to the Treaty to do so at an early date to ensure the full implementation of the Treaty in the region and it reaffirms the repeated exhortations of the General Assembly to France, which is already a

signatory of Additional Protocol 1, to ratify that Protocol. 1/ The Conference welcomes the signature and ratification of Additional Protocol 2 to this Treaty by all nuclear-weapon States.

10. The Conference notes that the South Pacific Nuclear Free Zone Treaty (also known as the Treaty of Rarotonga) entered into force on 11 December 1986 following deposit of the eighth instrument of ratification. The Conference also notes with satisfaction that 11 members of the South Pacific Forum have now ratified the South Pacific Nuclear Free Zone Treaty and that the Treaty has been commended by a resolution of the United Nations General Assembly at its forty-fourth session.

11. The Conference further notes that China and the Union of Soviet Socialist Republics have adhered to the two Protocols of the Treaty of Rarotonga open to them, Protocols 2 and 3. The United States has stated that none of its practices and activities within the Treaty area are inconsistent with the Treaty and its Protocols. The United Kingdom has announced that it would respect the intentions of States of that region on Protocols 1 and 3. France, which continues to test nuclear weapons in the region, has formally decided not to adhere to the Protocols.

12. The Conference considers that the development of a nuclear weapon capability by South Africa at any time frustrates the implementation of the Declaration on the Denuclearization of Africa and that collaboration with South Africa in this area would undermine the credibility and the stability of the Non-Proliferation Treaty régime. South Africa is called upon to submit all its nuclear installations and facilities to IAEA safeguards and to accede to the Non-Proliferation Treaty. 2/ All States Parties directly concerned are urged to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in Africa. The nuclear-weapon States are invited to assist the efforts of States to create a nuclear-weapon-free zone in Africa, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.

13. The Conference welcomes the consensus reached by the United Nations General Assembly at its forty-forth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and urges all parties directly concerned to consider seriously taking the political and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East.

1/ The delegation of Luxembourg expressed a reservation on the naming of one State, but not all States, referred to.

2/ The delegation of the United States expressed a reservation to the text in the first two sentences of paragraph 12.

14. The Conference also invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to the letter and spirit of United Nations General Assembly resolution 39/54.

15. The Conference welcomes the initiative by Egypt to establish a zone free from all weapons of mass destruction in the Middle East, of which a nuclear-weapon-free zone in that region would be one component, as an important contribution aimed at consolidating regional as well as international peace and security. Nuclear-weapon States and all other States are requested to support the establishment of such a zone.

16. All States parties, particularly the nuclear-weapon States in their capacity as depositaries, are called upon to promote the adherence of all States in the Middle East and in particular Israel to the NPT and the acceptance of the IAEA safeguards system. 1/ The application of IAEA safeguards on their respective nuclear activities would, as a confidence-building measure, contribute to reducing tension and promoting peace and security through ensuring the total absence of nuclear weapons in the region and will greatly facilitate the creation of a nuclear-weapon-free zone in it.

17. The Conference takes note that at their summit meeting in December 1987 in Manila, the ASEAN States emphasized inter alia that ASEAN should intensify its efforts toward the early establishment of a South East Asian Nuclear Weapon Free Zone, including the continuation of the consideration of all aspects relating to the establishment of the zone and of an appropriate instrument to establish it. Talks among the members of ASEAN have been initiated to realize this aim.

18. The Conference takes note that the idea of establishing a nuclear-weapon-free zone in South East Asia has been endorsed by other South East Asian countries.

19. The Conference notes the proposal by the Democratic People's Republic of Korea for a nuclear-weapon-free zone on the Korean peninsula. The Conference also notes that the Republic of Korea and other States oppose the proposal in view of the general criteria for the establishment of nuclear-weapon-free zones mentioned above.

1/ The delegation of the United States expressed a reservation to the text in the first sentence of paragraph 16.

Review of Article X (Item 13.E)

7. The Committee also considered possible language for the Final Document concerning Article X. It had before it a working paper contained in document NPT/CONF.IV/MC.II/WP.9 submitted by Mexico and a working paper contained in document NPT/CONF.IV/MC.II/WP.10 submitted by the depositary States. It was also informed that a draft resolution concerning this Article had been submitted to the Conference (NPT/CONF.IV/L.3). In an effort to achieve consensus, a revision to the working paper contained in document NPT/CONF.IV/MC.II/WP.10 was introduced by the depositary States. However, as consensus could not be reached on a text, the Committee decided to annex to this Report the above-mentioned working papers 9, 10 and 10/Rev.1, as Annexes 3, 4 and 5.

Annex 1

Islamic Republic of Iran

The delegation of the Islamic Republic of Iran expressed a reservation on the inclusion of the phrase "The Conference urges all States that have not done so to adhere to the Convention at the earliest possible date.", in view of the discriminatory nature of the Convention, by excluding the nuclear materials in the nuclear-weapon States. Needless to say that the Islamic Republic of Iran has always supported the other international comprehensive instruments in the area of physical protection of nuclear material. Deletion of the sentence or, alternatively, insertion of the following wording was proposed instead:

> "The Conference urges States which are in a position to do so to adhere to this Convention or other international instruments on physical protection of nuclear material at the earliest possible date."

Annex 2

Democratic People's Republic of Korea

Proposal for additional paragraph to follow paragraph 21 of Section 6.A of this Report:

"The Conference also takes note to the fact arguing that the legally binding security assurances of the depositary parties will be conducive to the timely conclusion of the safeguards agreement with the non-nuclear-weapon States which are posed to the direct nuclear threat of a depositary party."

Annex 3

(text of NPT/CONF.IV/MC.II/WP.9)

PROPOSED FINAL DOCUMENT LANGUAGE RELATING TO ARTICLE X

Working Paper presented by Mexico

Paragraph 2 of Article X of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) reads as follows:

"Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty".

The history of the NPT negotiations clearly shows that there is a close link between the Treaty's provisions regarding nuclear disarmament measures, on the one hand, and the review conference and its limited duration, on the other. It also shows that the duration of the Treaty is connected to the provisions of Article VI and that the permanent viability of the NPT will depend on successful negotiations of a comprehensive nuclear test ban treaty, as the most important measure related to the cessation of the nuclear arms race and to nuclear disarmament.

The Final Document should contain the following:

Since the provisions of paragraph 2 of Article X were drafted in connection with the provisions of Article VI, it is incumbent upon the nuclear-weapon States Parties to the Treaty to begin to meet their obligations set forth in Article VI in order to achieve a significant extension of the NPT beyond 1995.

Annex 4

(text of NPT/CONF.IV/MC.II/WP.10)

PROPOSED FINAL DOCUMENT LANGUAGE RELEVANT
TO ARTICLE X OF THE TREATY

Working Paper presented by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The Conference recalls that this article requires that "twenty-five years after entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods." The Conference further recalls that the Treaty entered into force on 5 March 1970. The Conference therefore recommends that an Extension Conference should be held during 1995 to make a choice from among these alternatives.

The Conference further notes that 1995 falls at a five-year interval from the Fourth Review Conference of the Parties to the Treaty, and that there should be an opportunity at that time for a full review of the Treaty's operation since the Fourth Review Conference, consistent with the terms of article VIII (3) of the Treaty.

Therefore, the Conference invites States party to the Treaty which are members of the United Nations to request the Secretary-General of the United Nations to include the following item in the provisional agenda of the forty-eighth session of the General Assembly:

"Implementation of the conclusions of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for a single conference on Review and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons".

Annex 5

(text of NPT/CONF.IV/MC.II/WP.10/Rev.1)

PROPOSED FINAL DOCUMENT LANGUAGE RELEVANT
TO ARTICLE X OF THE TREATY

Working Paper presented by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The Conference recalls that this article requires that "twenty-five years after entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods." The Conference further recalls that the Treaty entered into force on 5 March 1970. The Conference therefore decides that a Conference should be held in 1995, as soon as practicable after 5 March, to make a choice from among these alternatives.

The Conference further notes that 1995 falls at a five-year interval from the Fourth Review Conference of the Parties to the Treaty, and that there should be an opportunity at that time for a full review of the Treaty's operation since the Fourth Review Conference, consistent with the terms of article VIII (3) of the Treaty.

Therefore, the Conference invites States party to the Treaty which are members of the United Nations to request the Secretary-General of the United Nations to include the following item in the provisional agenda of the forty-seventh session of the General Assembly:

"Implementation of the conclusion of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for a single conference on Review of the Treaty on the Non-Proliferation of Nuclear Weapons and on consideration of whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods."

The Conference decides that the Preparatory Committee for the 1995 Non-Proliferation Treaty Conference shall be composed of the Parties to the Treaty serving on the Board of Governors of the International Atomic Energy Agency or represented in the Conference on Disarmament, as well as any Party to the Treaty that may express an interest in participating in the work of the Preparatory Committee.

The Conference also decides that such a Preparatory Committee should hold its first meeting in New York for one week in April/May 1993 in order to initiate the preparatory work for the 1995 Conference, including:

(a) Draft agenda of the Conference;

(b) Rules of procedure of the Conference;

(c) Background papers for the Conference;

(d) Arrangements for meeting the costs of the Conference and its preparation;

(e) Other organizational matters;

(f) Further meetings of the Preparatory Committee;

(g) Any other business considered relevant by the Preparatory Committee.